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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/760,205

01/21/2004

Kia Silverbrook

RRA20US

1331

24011

7590

02/06/2006

SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, NSW 2041
AUSTRALIA

EXAMINER

UHLENHAKE, JASON S

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/760,205	Applicant(s) SILVERBROOK, KIA	
	Examiner Jason Uhlenhake	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/19/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook (U.S. Pat. 6,364,451) in view of Otsuki (U.S. Pub. 2004/0207674)

Silverbrook discloses:

- ***regarding claim 1***, providing the inkjet printer as a complementary cradle (Figure 6; Column 4, Lines 34 – 42) and starter cartridge (58 – 64 of Figure 6)

Silverbrook does not disclose expressly:

- ***regarding claim 1***, the cradle is arranged to operate a number of cartridges having differing performance characteristics

- ***regarding claim 2***, wherein the differing performance characteristics of the cartridges includes one or more of: printing speed; ink capacity; number and types of inks

Otsuki discloses:

- **regarding claim 1**, the cradle is arranged to operate a number of cartridges having differing performance characteristics (Paragraph 0038), for the purpose of improving the quality of printing.

- **regarding claim 2**, wherein the differing performance characteristics of the cartridges includes one or more of: printing speed; ink capacity; number and types of inks (Paragraph 0038), for the purpose of improving the quality of printing.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of the cradle is arranged to operate a number of cartridges having differing performance characteristics; wherein the differing performance characteristics of the cartridges includes one or more of: printing speed; ink capacity; number and types of inks as taught by Otsuki into the device of Silverbrook. The motivation for doing so would have been to improve the quality of printing.

Claim 3 is rejected under 35 U.S.C. 103(a) as being obvious over Silverbrook (U.S. Pat. 6,364,451) as modified by Otsuki (U.S. Pub. 2004/0207674) as applied to claim 1 above, and further in view of Eun (U.S. Pat. 6,033,053).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject

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matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Silverbrook as modified by Otsuki discloses all of the claimed limitations except for the following:

- ***regarding claim 3***, wherein the printing speeds of the cartridges varies between 15 ppm to 60 ppm

Eon discloses:

- ***regarding claim 3***, wherein the printing speeds of the cartridges varies between 15 ppm to 60 ppm (Column 4, Lines 27 – 37).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of the printing speeds of the cartridges varies between 15 ppm to 60 ppm as taught by Eon into the device of Silverbrook as modified by Otsuki. The motivation for doing so would have been to increase speed of printing.

Claims 4 is rejected under 35 U.S.C. 103(a) as being obvious over Silverbrook (U.S. Pat. 6,364,451) as modified by Otsuki (U.S. Pub. 2004/0207674) as applied to claim 1 above, and further in view of Trafton et al (U.S. Pat. 6,851,799).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Silverbrook as modified by Otsuki discloses all of the claimed limitations except for the following:

- ***regarding claim 4***, wherein the ink capacity of the cartridges varies between 150ml of ink to 300ml of ink

Trafton et al discloses:

- ***regarding claim 4***, wherein the ink capacity of the cartridges varies between 150ml of ink to 300ml of ink (Column 1, Lines 42 – 50)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of the ink capacity of the cartridges varies between 150ml of ink to 300ml of ink as taught by Trafton et al into the device of Silverbrook as modified by Otsuki. The motivation for doing so would have been to extend the life of the ink cartridge by increasing the ink capacity.

Claims 5 is rejected under 35 U.S.C. 103(a) as being obvious over Silverbrook (U.S. Pat. 6,364,451) as modified by Otsuki (U.S. Pub. 2004/0207674) as applied to claim 1 above, and further in view of Silverbrook et al (U.S. Pat. 6,238,115).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer

in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Silverbrook ('451) as modified by Otsuki discloses all of the claimed limitations except for the following:

- ***regarding claim 5***, wherein the number and types of inks includes black, cyan, magenta, yellow, infrared and an ink fixative

Silverbrook et al ('115) discloses:

- ***regarding claim 5***, wherein the number and types of inks includes black, cyan, magenta, yellow, infrared and an ink fixative (Column 5, Lines 46 – 61)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of the number and types of inks includes black, cyan, magenta, yellow, infrared and an ink fixative as taught by Silverbrook et al into the device of Silverbrook as modified by Otsuki. The motivation for doing so would have been to improve the quality of printing.

Response to Arguments

Applicant's arguments with respect to claims 1 – 9 have been considered but are moot in view of the new ground(s) of rejection. Please see the above rejection regarding Silverbrook in view of Otsuki. Silverbrook in view of Otsuki discloses replacement of the initial or starter cartridge with another of said number of cartridges having an improved

performance characteristic, in the case of Otsuki, another type of ink can be used to replace the initial or starter cartridge.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Uhlenhake whose telephone number is (571) 272-5916. The examiner can normally be reached on Monday - Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSU
January 31, 2006



 2/06
K. FIGGINS
PRIMARY EXAMINER